

**AIR POLLUTION CONTROL DISTRICT  
COUNTY OF SAN DIEGO**

**PROPOSED AMENDED RULES 61.4.1 – TRANSFER OF GASOLINE FROM  
STATIONARY UNDERGROUND STORAGE TANKS INTO VEHICLE  
FUEL TANKS AND 61.4 - TRANSFER OF VOLATILE ORGANIC COMPOUNDS  
INTO VEHICLE FUEL TANKS**

**WORKSHOP REPORT**

A workshop notice was mailed to all companies and government agencies in San Diego County that may be subject to proposed amended Rules 61.4 – Transfer of Volatile Organic Compounds into Vehicle Fuel Tanks and 61.4.1 – Transfer of Gasoline from Stationary Underground Storage Tanks into Vehicle Fuel Tanks. Notices were also mailed to all Economic Development Corporations and Chambers of Commerce in San Diego County, the U.S. Environmental Protection Agency (EPA), the California Air Resources Board (CARB), and other interested parties.

The workshop was held on October 18, 2007, and was attended by 21 people. The comments and Air Pollution Control District (District) responses are provided below:

**PROPOSED AMENDED RULE 61.4.1**

**1. WORKSHOP COMMENT:**

The proposed amendment in Subsection (b)(5) allows non-retail gasoline dispensing facilities (GDFs) to be exempt from installing Enhanced Vapor Recovery Systems (EVR) Phase II if at least 95% of vehicles refueled at the facility are equipped with On-board Refueling Vapor Recovery (also called 95% ORVR penetration). Will the District send out individual letters to those facilities that are eligible for this exemption?

**DISTRICT RESPONSE:**

No. If amended Rule 61.4.1 is adopted by the Air Pollution Control Board (expected to be scheduled for early 2008), the District will issue a Compliance Advisory to inform all owners and operators of non-retail GDFs of the new exemption for eligible facilities (those with 95% ORVR penetration). Owners/operators should evaluate their vehicle fleets refueled at each of their non-retail GDFs to determine potential eligibility for the exemption. An owner/operator of non-retail GDF meeting the 95% ORVR penetration may submit an application for a modification of their Permit to Operate that GDF to reflect the exemption from EVR Phase II.

**2. WORKSHOP COMMENT:**

What form should be used when submitting an application for a permit modification requesting an exemption from installing EVR Phase II? When should the application be submitted?

**DISTRICT RESPONSE:**

The General Permit/Registration Application Form (Form 116) should be used to request the exemption. These forms are available on the District's website at [www.sdapcd.org/permits/APPS/AppsTOC.html](http://www.sdapcd.org/permits/APPS/AppsTOC.html). The application form may be submitted after the amended rule adoption by the Air Pollution Control Board.

**3. WORKSHOP COMMENT:**

The proposed exemption for ORVR-equipped vehicles specifies that records be maintained. What information should be included in these records and how often should the records be updated?

**DISTRICT RESPONSE:**

Each facility for which an EVR Phase II exemption is claimed must maintain records of the make, model year, vehicle identification number, and any other information indicating whether each vehicle that refuels at that facility, on or after the date the application for the exemption is submitted to the District, is equipped with ORVR. The Vehicle Emission Control Information label attached to the vehicle's hood or engine compartment contains the "Evaporation (Evap) Family" code which specifies whether the vehicle is equipped with ORVR, as illustrated in an attachment to this Workshop Report and on the District's website at [www.sdapcd.org/comply/vapor/PDFforms/Id-ORVR-Vehicles.pdf](http://www.sdapcd.org/comply/vapor/PDFforms/Id-ORVR-Vehicles.pdf)). The records should accurately reflect the current population of vehicles being refueled at the non-retail GDF for which the Phase II EVR exemption is claimed, and should be updated as new vehicles are purchased or otherwise added to the fleet refueling at the GDF, or as vehicles are removed from the fleet.

**4. WORKSHOP COMMENT:**

Does the proposed exemption apply to multiple stations under single ownership or to each individual station?

**DISTRICT RESPONSE:**

An exemption will apply to an individual station. Please see the District Response to the next comment.

**5. WORKSHOP COMMENT:**

How should a facility calculate the 95% ORVR penetration?

**DISTRICT RESPONSE:**

Only light-duty vehicles, medium-duty vehicles, and heavy-duty vehicles with a Gross Vehicle Weight Rating (GVWR) less than 10,000 pounds are considered in the calculation of percent ORVR penetration at a non-retail GDF. Motorcycles, off-road vehicles, and vehicles with a GVWR of 10,000 pounds or more are excluded.

Please note that an exemption from Phase II EVR will apply to an individual non-retail GDF for which the ORVR penetration will be equal or greater than 95%. Therefore, only vehicles that will refuel at that particular GDF — on or after the date the application for the exemption is submitted to the District — are included in the calculation of ORVR penetration for that facility.

The percent ORVR penetration for an individual GDF is calculated by dividing the number of ORVR-equipped vehicles that refuel at this GDF by the total number of vehicles that refuel there, and multiplying the resulting value by 100. For example, if a total of 50 vehicles refuel at a given GDF, of which 48 have ORVR, then the percent ORVR penetration for that GDF is:  $(48/50) \times 100 = 96\%$ .

If the resulting value is not a whole number, then the value is rounded using the conventional rounding method. For example, 94.5% rounds up to 95%, whereas 94.4% rounds down to 94%.

**6. WORKSHOP COMMENT:**

If a calculated percent of ORVR penetration is 94.6%, would it be permissible to round up to 95%?

**DISTRICT RESPONSE:**

Yes. Please see the District Response to Comment 5.

**7. WORKSHOP COMMENT:**

The proposed exemption in Subsection (b)(5) applies to non-retail GDFs with at least 95% of vehicles refueled equipped with ORVR. Should vehicles heavier than 10,000 lbs, motorcycles or off-road vehicles be excluded from the total vehicle count?

**DISTRICT RESPONSE:**

Yes. Please see the District Response to Comment 5.

**8. WORKSHOP COMMENT:**

What is the current percentage of vehicles in the region that are equipped with ORVR?

**DISTRICT RESPONSE:**

Federal ORVR requirements on new vehicles were phased in by vehicle class and model year. Consequently, the percent of ORVR penetration varies by vehicle class and model year, as follows:

Vehicle Class (Gross Vehicle Weight Rating)	Non-ORVR Vehicles	40% ORVR Penetration	80% ORVR Penetration	100% ORVR Penetration
	YEAR OF MANUFACTURE			
Light Duty Autos	≤ 1997	1998	1999	≥ 2000
Light Duty Trucks and Medium Duty Vehicles (< 5750 lbs)	≤ 2000	2001	2002	≥ 2003
Medium Duty Vehicles (5751 - 8500 lbs)	≤ 2003	2004	2005	≥ 2006
Heavy Duty (<10,000 lbs)	≤ 2003	2004	2005	≥ 2006

**9. WORKSHOP COMMENT:**

If a company's fleet vehicle is physically located away at its headquarters and is not going to be refueled at the company's local non-retail gas station, should the vehicle be included in the total vehicle fleet count for that local gas station? If that vehicle is owned by the company's local office, although the vehicle is physically located away at the company's headquarters, must the local office transfer vehicle ownership to its headquarters in order to exclude that vehicle from the total vehicle fleet count for the local gas station?

**DISTRICT RESPONSE:**

If a fleet vehicle is not going to be refueled at the company's local non-retail GDF being considered for an exemption, it should not be included in the total vehicle fleet count for that GDF. However, records should be maintained to verify that the vehicle is not being refueled at that GDF. Further, a transfer of vehicle ownership is not required.

**10. WORKSHOP COMMENT:**

If some fleet vehicles do not have ORVR, can these vehicles be refueled elsewhere, and thus not be included in the total vehicle fleet count for a particular non-retail GDF?

**DISTRICT RESPONSE:**

Yes. Please see District Responses to Comments 3 and 4.

**11. WORKSHOP COMMENT:**

Subsection (b)(5) requires that if a facility has at least 95% ORVR-equipped vehicle penetration and is claiming the exemption, the previously installed Phase II vapor recovery system must be removed. Is the removal of the Phase II system mandatory?

**DISTRICT RESPONSE:**

Yes. The Phase II system must be removed if a non-retail GDF is granted an exemption from EVR Phase II requirements. Leaving the Phase II system in place without inspecting and testing it, as would be required by Rule 61.4 or 61.4.1, may result in excess VOC emissions.

**12. WORKSHOP COMMENT:**

Is claiming the exemption specified in Subsection (b)(5) mandatory?

**DISTRICT RESPONSE:**

No. It is not mandatory for a facility to apply for this exemption. However, facilities that are not specifically exempt from Rule 61.4.1 will be required to install the EVR Phase II system by April 1, 2009 and maintain it thereafter.

**13. WORKSHOP COMMENT:**

Per Subsection (b)(5), a fleet has been calculated to have less than 95% ORVR penetration. In a few years, it is expected that the fleet will have at least a 95% ORVR penetration. Will the EVR Phase II system be required to be removed in the future?

**DISTRICT RESPONSE:**

Although proposed amended Rule 61.4.1 does not require removal of the EVR Phase II unless an exemption from that system is claimed, it is expected that by 2020, most all vehicles will be equipped with ORVR. Consequently, at that point, no EVR Phase II system will be needed, and therefore it is likely that the state Air resources Board will require that all EVR Phase II systems be removed at some point in the future. Any such requirement would be reflected in future rule amendments subject to the rule amendment process, including public review and comment.

**14. WORKSHOP COMMENT:**

Will the removal of the Phase II vapor recovery system trigger full compliance testing of the Phase I system?

**DISTRICT RESPONSE:**

No. Only a static pressure leak test will be required to check the integrity of the Phase I system.

**15. WORKSHOP COMMENT:**

How will the District verify that the vehicles are in fact equipped with ORVR?

**DISTRICT RESPONSE:**

The District will verify that the Vehicle Identification Number (VIN) and the vehicle emission control information (indicating that the vehicle is ORVR-equipped) match for each vehicle refueled at a given non-retail GDF. The District may also conduct unannounced inspections to verify the accuracy of the records being kept.

**16. WORKSHOP COMMENT:**

If the label with vehicle emission control information wears off, what will be used to verify that a vehicle has ORVR?

**DISTRICT RESPONSE:**

Should the ORVR identification label wear off, the previously supplied VIN number and other specific vehicle information — including a visual inspection under the vehicle hood, if necessary — will be used to verify that a vehicle is equipped with ORVR.

**17. WORKSHOP COMMENT:**

What is the time schedule for presenting the rules to the Air Pollution Control Board? Does the District expect any problems with approving the proposed rule?

**DISTRICT RESPONSE:**

The District intends to submit the proposed rule to the Air Pollution Control Board in early 2008. The District does not presently anticipate any problems with rule approval.

**18. EPA COMMENT:**

The proposed amendments to Rule 61.4 are in agreement with the EPA Guidance, "Removal of Stage II Vapor Recovery in situations where widespread use of Onboard Refueling Vapor Recovery is demonstrated", issued on December 12, 2006. EPA would support the amendments if the District demonstrates that they would not interfere with the attainment of the National Ambient Air Quality Standards, Reasonable Further Progress, conformity and other federal requirements.

**DISTRICT RESPONSE:**

The District will provide EPA all the required documentation as necessary to demonstrate amended Rule 61.4 will comply with federal requirements.

**19. CARB COMMENT:**

CARB had no comments at this time.

**PROPOSED AMENDED RULE 61.4**

There were no separate comments addressing proposed amended Rule 61.4. Rule 61.4 is federally mandated and requires affected facilities to install and maintain a Phase II vapor recovery system. Rule 61.4.1 implements the State's more stringent EVR requirements. Proposed exemptions from both Phase II vapor recovery and EVR Phase II are the same. Therefore, all District responses to the comments for Rule 61.4.1 also apply to Rule 61.4.

RJS:RR:NY:AD:jlm  
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